

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

071308.0492

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on 2-28-07Signature Alfonso G. JuarezTyped or printed name Alfonso Juarez

Application Number

10/735,159

Filed

December 12, 2003

First Named Inventor

George Fischer et al.

Art Unit

2831

Examiner

Ngo, Hung V.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 39,903☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____William Beard

Signature

R. William Beard, Jr.

Typed or printed name

512.322.2690

Telephone number

February 28, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ATTORNEY DOCKET
071308.0492

PATENT APPLICATION
10/735,159

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Georg Fischer et al.
Serial No.: 10/735,159
Date Filed: December 12, 2003
Group Art Unit: 2831
Examiner: Ngo, Hung V.
Title: **CONTACTING COMPONENT**

MAIL STOP – AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

Rejections under 35 U.S.C. § 103

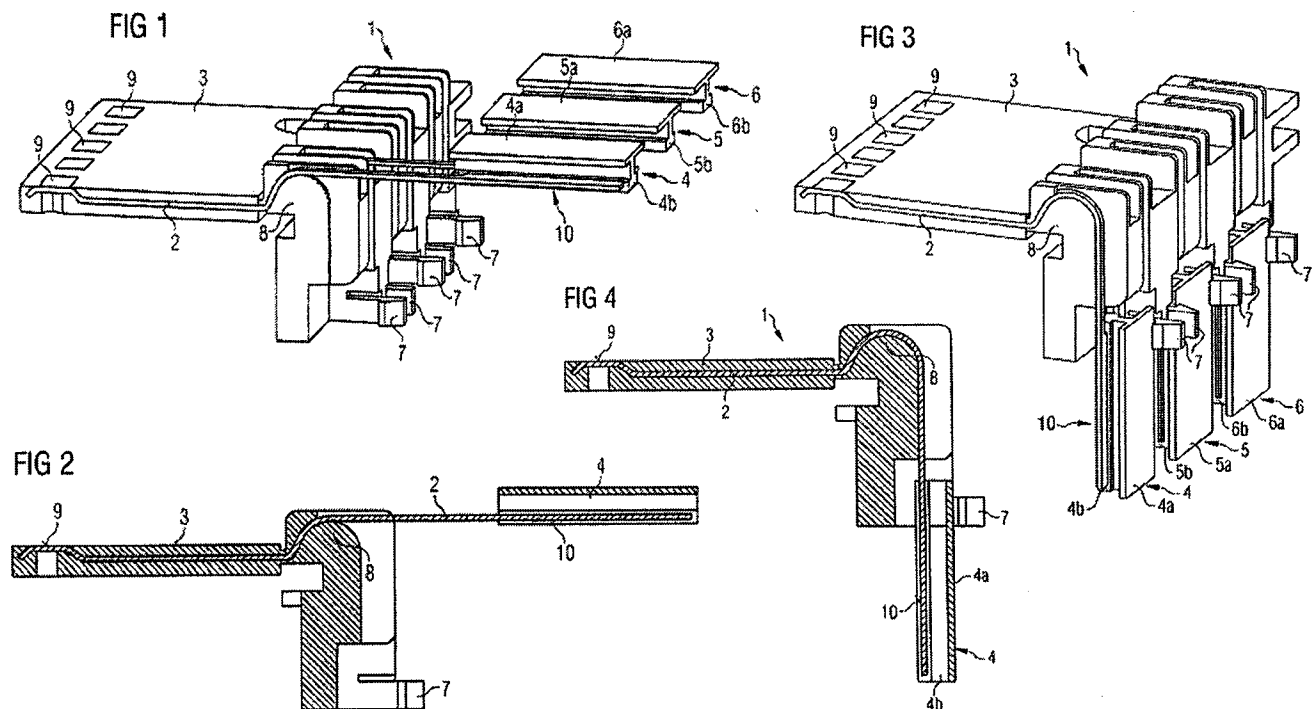
Claims 2-4, 11, 13-16, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,178,563 issued to Carl G. Reed (“Reed”) in view of U.S. Patent 6,099,324 issued to Janssen et al. (“Janssen”).

In the present case, a *prima facie* case of obviousness has not been established for two reasons: (1) both Reed and Janssen, individually and when combined, fail to teach or suggest a bending collar; and (2) there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the Reed device to have a bending collar or to combine the teachings of Reed and Janssen so that a combined device would have a bending collar.

First, both Reed and Janssen, individually and when combined, fail to teach or suggest a bending collar. Claims 2, 11, 13, and 18 recite "a bending collar around which the conductor device can be bent." According to the specification of the present application,

In Figures 3 and 4, the contacting component 1 is shown in the final assembled state. In order to reach this state, starting from Figure 1 or 2, each valve plug 4, 5, 6 is bent down-wards by approximately 90° by *bending around an integral bending collar 8* formed on the base component 3 so that the valve plugs 4, 5, 6, more precisely, the specific plate-shaped areas of the valve plugs engage with two latches 7 in each case that are also embodied integrally on the base component 3.

See Application at Paragraph 30. Figures 1 - 4 of the original specification of the present patent application are reproduced below.



The bending collar 8 is clearly identified in each of the figures. Further, as the conductor device is reconfigured from its initial assembly state (Figures 1 and 2) to its final assembly state (Figures 3 and 4), the conductors are bent around bending collars 8. Thus, the application expressly teaches a bending collar 8 around which the conductor can be bent. Benefits of the bending collar are also disclosed.

Particularly favorably, the first and/or the second plastic component feature a bending collar around which the conductor device can be bent. As a result, additional tools or auxiliary means when engaging the two plastic components can be dispensed with. The conductor device is then bent automatically when assembling the contacting component. In addition, the bending process can then be automated cost-effectively.

(See Application at Paragraph 14).

In the rejection, it is noted that Reed “does not disclose a bending collar.” *See* OA at 2. A premise of the rejection is that “Janssen et al disclose a bending collar being formed in a second component (44)(Fig 6) for supporting a conductor device (34).” *See* OA at 2. This premise fails for two reasons. First, the claims do not require that a component merely “supports” the conductor. Rather, the claims require “a bending collar around which the conductor device can be bent.” Second, Janssen et al. fails to teach a bending collar. It merely states:

With reference now to FIGS. 6 and 7, the second contacts *have been bent through 90 degrees* such that the unit is ready to be installed upon the basic motor by, for example, the motor manufacturer.

See Janssen et al., 3:31-34 (emphasis added). While Janssen et al. teaches the conductors are bent, it says nothing about bending collars around which the conductors are bent. Further, no such bending collars are illustrated in the figures. Thus, the invention as claimed in claims 2, 11, 13, and 18 is patentable in view of the Reed and Janssen because neither reference teaches or suggests a bending collar. Similarly, the invention as claimed in claims 3, 4, 14-16 and 19 is patentable for the same reasons.

Second, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the Reed device to

have a bending collar or to combine the teachings of Reed and Janseen so that a combined device would have a bending collar. This is particularly the case, because Reed teaches away from the invention and if Reed were modified to have a bending collar, it would be unsatisfactory for its intended purpose. Reed expressly teaches that the two insulators are rotated relative to each other to bend the central portions 42 of the contacts 28 (see Reed, Figure 5).

The first insulator 36 is rotated with respect to the second insulator 38 about a hinge axis defined by the central portions 42. This causes the central portions 42 to bend and to pull away from the external surface 44. During at least part of this bending operation the follower surface 52 rides along the arcuate bearing surface 48, thereby facilitating precisely repeatable bending of the central portions 42. As this bending operation nears completion, the latches 54 move into the region between the flanges 50 (see FIG. 12). Once the insulators 36, 38 have been moved to a position in which they are substantially transverse to each other, the latches 54 emerge below the flanges 50, thereby latching the first and second insulators 36, 38 at the desired 90° angle with respect to one another.

(Reed, 4:18-32) (emphasis added). Rather than using a bending collar as taught by the present invention, Reed teaches away from a bending collar by teaching that repeatable bending is facilitated by riding the follower surface 52 along the arcuate bearing surface 48. (see Reed, Figure 7). No bending collars are in contact with the central portions 42 of the contacts 28. Further, if a bending collar were added to the Reed device, it would no longer function as intended. Reed teaches, "the bent central portions 42 provide a holding force that opposes the latches 54 and provides a stable assembly." (Reed, 4:39-41) As noted above, as the follower surface 52 rides along the arcuate bearing surface 48, the central portions 42 "pull away from the external surface 44." (see Figure 6) As the central portions 42 of the contacts 28 resist this pulling away from the external surface 44, they provide the holding force that opposes the latches 54. If the central portions 42 of the contacts 28 are not pulled away from the external surface 44, there is no holding force to oppose the latches 54. If the Reed device is modified to have bending collars, the central portions 42 of the contacts 28 would not be able to "pull away" and therefore would not be able to provide the "holding force" to provide a stable assembly. Because Janssen merely teaches bending the contacts, without the use of bending collars or a bearing/follower

structure, Janssen provides no teaching that would allow the Reed device to have bending collars and still provide the holding force.

Therefore, a *prima facie* case of obviousness has not been established because: (1) both Reed and Janssen, individually and when combined, fail to teach or suggest a bending collar; and (2) there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the Reed device to have a bending collar or to combine the teachings of Reed and Janseen so that a combined device would have a bending collar.

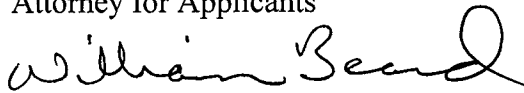
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2690.

Respectfully submitted,
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Attorney for Applicants


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Reg. No. 39,903

Date: February 28, 2007

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